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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,425	07/07/1999	THOMAS A. KIST	6169-125	5214

7590

08/13/2002

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EXAMINER

AZAD, ABUL K

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/348,425

Applicant(s)

KIST ET AL.

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2002.
- 2a) ☐ This action is **FINAL**. ; 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on April 4, 2002.
2. Claims 22-31 are pending in this action. Claims 22 and 27 have been amended.
3. The applicant's arguments with respect to claims 22-31 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gould et al. (US 5,799,279).

As per claim 22, Gould teaches, "in a speech recognition system, a method of processing a voice command comprising"

"identifying a voice command having a voice command component and dictation component within a contiguous utterance, wherein said voice command component is specified by a command grammar and said dictation component is not specified by said command grammar" (col. 5, line 13 to col. 6, line 67; reads on "if CPU determines that user's speech is text . . . if CPU determines that user's speech was a command, then the CPU sends keystrokes or scripting language to the application to cause the application to delete the partial results from the screen and execute the command" here CPU determined command based on the command grammar);

"executing said identified voice command component using at least a part of said dictation component as an execution parameter of said voice command" (col. 5, line 13 to col. 6, line 67, reads on "if CPU determines that user's speech was a command, then the CPU sends keystrokes or scripting language to the application to cause the application to delete the partial results from the screen and execute the command").

As per claim 23, Gould teaches, "loading a translation rule and linking said voice command component to an application command using said translation rule" (col. 6, lines 16-29, application);

"providing said application command to an associated computing application" (col. 6, lines 16-29).

As per claim 24, Gould teaches, "providing step said at least a part of said dictation component as a parameter of said application command to said associated computing application" (col. 6, lines 16-29).

As per claim 25, Gould teaches, "inserting said at least a part of said dictation component in a text field of said associated computing application" (col. 6, lines 16-29).

As per claim 26, Gould teaches, "providing said voice command component to an associated computing application for processing, and further providing said at least a part of said dictation component as a parameter of said voice command to said computing application" (col. 5, line 13 to col. 6, line 67).

As per claim 27-31, are similar in scope and content of claims 22-26 and are rejected under similar rationale.

### ***Response to Arguments***

6. The applicant argues: "Gould does not disclose identifying a voice command component and a dictation component with in a contiguous utterance as recited in Applicant's pending claim."

The examiner notes that above limitation is taught by Gould at column 6, lines 48-67; where Gould teaches, "when a user's speech is recognized for commands and text against the same set of vocabularies, any language modeling information in the vocabularies tends to cause the system to favor the recognition of text over commands." More clearly one would understand that Gould teaches identifying a voice command component and a dictation component with a contiguous utterance in Figures 8a, 8b, 9a and 9b.

The applicant further argues, "Gould does not disclose identifying a voice command component and a dictation component within a contiguous utterance, wherein the voice command component is specified by a command grammar and the dictation component is not specified by the command grammar".

In response to above arguments, examiner point out Gould's one example at col. 6, lines 48-67, to how Gould determines a text component and a command component. Where same word "bold" could be a text component and command component depending on command grammar and dictation component does not dependent on a command grammar.

The applicant argues, "Gould does not disclose executing a voice command wherein at least a portion of a dictation component is used as an execution parameter".

The examiner notes that the limitation is taught by Gould details at col. 6, lines 30-41.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Marsha D. Banks-Harold**, can be reached at **(703) 305-4379**.

Any response to this action should be mailed to:

**Commissioner for Patents**  
**Washington, D.C. 20231**

Art Unit: 2654

Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office whose telephone number is **(703) 306-0377**.

Abul K. Azad

August 9, 2002

  
Richmond Dorvil  
Primary Examiner